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# NASA Procedural Requirements

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Request Notification of Change

 (NASA Only)**Subject: Plan for a Drug-Free Workplace (REVALIDATED w/Change 1 12/06/06)****Responsible Office: Office of Human Capital Management**[| TOC](#) | [ChangeHistory](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) | [Chapter5](#) |  
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## Appendix A. NASA Guidelines for Determining Testing Designated Positions (TDPs) Subject to Random Drug Testing

### I. Background

The Office of National Drug Control Policy (ONDCP) assumed lead oversight and policy responsibility for EO 12564, signed by President Reagan on September 15, 1986, in March 1991 by designation of President George H. W. Bush. The Interagency Coordinating Group (ICG) Executive Committee, under the authority of ONDCP, issued by memorandum dated August 1, 1999, Guidance for Selection of TDPs. This Guidance superseded all previous guidance and criteria for the selection of TDPs and is the primary reference for NASA's selection of TDPs.

In the early stages of the implementation of EO 12564, Federal agencies were provided a decision guide entitled "Drug Testing of Sensitive Positions, Optional Decision Guide for Selecting Testing Designated Positions," to assist them in identifying the pool of personnel potentially subject to random testing. The analysis in that guide centered upon the criteria of Section 7(d) of the EO. By applying these criteria, NASA identified the pool of sensitive positions which might be subject to random drug testing. At the time the EO was issued, all positions satisfying these criteria could be appropriately designated for testing. Since that time, however, EO 12564 has been upheld, and TDP selection rationales for random testing at Federal agencies have been examined and narrowed by the courts through the years of litigation and numerous judicial opinions.

### II. Guidelines

Through litigation of agency programs, the courts have defined some limits on TDP justifications. As a result of these decisions, the ICG Executive Committee's Guidance provides lists of presumptive, preferred, discretionary, and disfavored TDPs.

#### A. Presumptive TDPs

In light of the well-developed law, clear public interest applicable to the testing of certain categories of positions, and the need for consistency, all the positions set forth in the categories below must be included in agency plans unless very compelling reasons exist not to do so. If an agency head is of the opinion that the unique circumstances of the agency warrant the exclusion of all or some of the positions in these categories, justification for doing so must be presented to and approved by the ICG Executive Committee. The positions that are to be included in every agency plan, if such positions exist in the agency, are the following:

1. Employees who carry firearms.

Employees who actually carry firearms on a daily or regular basis are included in this presumptive category and should be in all TDP pools.

2. Motor vehicle operators carrying passengers.

This category includes operators of motor vehicles:

- a. Weighing more than 26,001 pounds.
- b. Transporting hazardous materials.

In addition, case law supports the inclusion of operators of motor vehicles that carry passengers, including those that transport Government officials and/or foreign dignitaries or a passenger shuttle.

Note: Department of Transportation regulations implementing the Omnibus Transportation Employee Testing Act of 1991 require random testing for drugs and alcohol of Federal employees who operate vehicles that require a commercial driver's license. A commercial license is required for vehicle operators who: (1) carry 16 or more passengers; (2) transport hazardous materials; or (3) operate a vehicle weighing 26,001 pounds or more.

3. Aviation flight crew members and air traffic controllers.
4. Railroad operating crews.

## B. Preferred TDPs

The well-developed law and clear public interest applicable to drug testing make it evident that the categories set out under this section represent strong government interests for drug testing and will almost always meet established judicial standards. However, inclusion of the following positions as TDPs is not presumptive. To ensure reasonable uniformity, agencies must present agency-specific justifications for testing of these positions. Agencies choosing to exclude positions of functions specified below from drug testing are required to provide justification not to designate one or more of these positions as TDPs to the ICG Executive Committee.

1. Certain health and safety positions.

The first major category includes certain health and safety responsibilities that would cause immediate, substantial physical injury if carried out under the influence of drugs, usually involving a potentially dangerous instrument or machine. These positions are occupied by:

- a. Employees authorized to carry firearms.

This includes employees, such as guards or security personnel, who do not regularly carry a firearm but are authorized to carry one in some circumstances, e.g., emergencies. The rationale for including these positions as TDPs is the same as employees with a security clearance who see classified documents only rarely?granting security clearances in advance provides flexibility and ensures that employees can be given access to classified material as soon as the need arises.

- b. Railroad employees engaged in safety-sensitive tasks. This category includes:

- (1) Persons engaged in handling train movement orders.
- (2) Safety inspectors.
- (3) Those engaged in maintenance and repair of signal systems.

- c. Aviation personnel.

This category includes:

- (1) Flight attendants.
- (2) Flight instructors.
- (3) Ground instructors.
- (4) Flight testing personnel.
- (5) Aircraft dispatchers.
- (6) Aircraft maintenance personnel with direct and critical maintenance responsibilities.
- (7) Aviation security and screening personnel.
- (8) Aircraft safety inspectors.

2. Presidential Appointees requiring Senate confirmation.
3. Front-line law enforcement personnel.

This category includes front-line law enforcement personnel with proximity to criminals, drugs, or drug traffickers. These positions include guard and law enforcement personnel who have access to firearms (but do not carry

weapons or otherwise meet the standards for a Presumptive TDP) and those directly involved in drug interdiction duties.

#### 4. Drug rehabilitation employees.

This category includes employees involved in drug rehabilitation or equivalent employee assistant duties so inimical to illegal drug use that such employees can expect inquiry into their fitness.

#### 5. Personnel having access to truly sensitive information.

This category includes personnel having access to truly sensitive information, for example, national security material that it is reasonable to assume may damage national interests if compromised. Specifically, these positions include those which require a secret, top secret, or higher clearance.

## Discretionary Designations

In addition to the categories of positions identified as Presumptive and Preferred TDPs for inclusion in agency plans, there are other Agency-specific sensitive positions which warrant designation for testing. From the outset, NASA's approach in determining TDPs subject to random drug testing has emphasized careful consideration and development of the criteria to be used in designating TDPs with full participation by the NASA Centers. NASA-specific criteria were first developed by the NASA Drug-Free Workplace Steering Committee. Rather than broad occupational coverage determinations, the TDP criteria emphasizes the review of the specific tasks performed and the level of responsibility exercised in individual positions.

The categories of positions identified below as Discretionary Designations are positions that meet Agency-specific criteria for TDPs. These positions involve the performance of a function or task in which the effects of an error or mistake would likely result in loss of life or serious injury, threaten public safety, and/or impact the achievement and safety of the Agency's missions. These TDPs, along with written justification, are subject to the review and approval of the ICG Executive Committee.

1. Employees performing direct hands-on work with explosive, toxic, radioactive, or other dangerous materials or substances.
2. Employees performing direct hands-on work with fluids or gases under pressure.
3. Employees performing hands-on operation or maintenance of major mechanical or electrical equipment that is mission critical and upon which the successful achievement of the Agency's missions is dependent. Does not include positions that involve equipment that poses minimal or no risk or danger to the safety of the public.
4. Employees performing the duties of a safety or quality assurance specialist or other reliability, quality assurance, or safety-related duties that require real-time major decision-making regarding the health and safety of the public or operations of mission critical systems upon which the successful achievement of the Agency's missions is dependent.
5. Employees performing certain launch and in-flight operations work.
6. Employees performing medical treatment and patient care or who have unmonitored or minimally monitored access to drugs.
7. Employees having unescorted access to mission critical systems which warrants inclusion in the NASA Personnel Reliability Program (PRP) [14 CFR Section 1214.500].
8. Managers or supervisors technically qualified to make real-time decisions in lieu of a nonsupervisory employee in a TDP.

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